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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,	)	Case No.: 03AS04882
a state agency,)	
	)	FPPC No.: 02/522
Plaintiff,)	
	)	DECLARATION OF SUE STRAINE
v.	)	IN OPPOSITION TO DEFENDANTS'
	)	SPECIAL MOTION TO STRIKE (CCP
AMERICAN CIVIL RIGHTS COALITION, INC.,	)	§ 425.16)
and DOES 1-50,)	
	)	Date: November 21, 2003
Defendants.	)	Time: 9:00 a.m.
	)	Dept: 54
	)	Judge: Hon. Thomas Cecil
	)	Date Action Filed: September 3, 2003
	)	No Trial Date Set

I, Sue Straine, declare as follows:

1. I am over the age of 18 years, and not a party to the within action. My business address is Fair Political Practices Commission (the "FPPC"), Enforcement Division, 428 J Street, Sacramento, CA 95814. The facts set forth herein are personally known to me, and if called upon to testify, I could and would competently do so.

2. I am a Supervising Investigator with the FPPC. I have been employed by the FPPC as an investigator for 20 years. As an investigator, my work duties include the investigation of complaints

1 concerning violations of the Political Reform Act. In the regular course of my duties I was, and am
2 assigned, to investigate the case, "American Civil Rights Coalition" FPPC Case No. 02/522.

3 3. As part of my investigation of FPPC Case No. 02/522, I interviewed Mr. Ward Connerly
4 on June 17, 2003. Present with me at the interview was Ward Connerly, Mr. Connerly's attorney,
5 Charles H. Bell, Jr., and Commission Counsel William J. Lenkeit. During the interview, Mr. Connerly
6 stated that he was the founder of the American Civil Rights Coalition, Inc. ("ACRC"). He stated that
7 ACRC is a national nonprofit organization that works to qualify ballot initiatives, in various states,
8 seeking to end racial preferences and classifications. Mr. Connerly further stated that ACRC solicits
9 contributions from individuals in support of those goals, and that some of the contributions received by
10 ACRC were contributed to the Racial Privacy Initiative Committee in California, in support of the
11 Racial Privacy Initiative (the "Initiative"), Proposition 54.

12 4. I further asked Mr. Connerly, during the June 17, 2003 interview, why ACRC did not
13 disclose the sources of the money that was used to fund the Initiative. Mr. Connerly responded, "Well,
14 ACRC, in my mind, was not the sponsoring organization of the Initiative directly. It was the Racial
15 Privacy Initiative and we had created a separate organization to... be the sponsoring entity and it was
16 my understanding that ACRC could ... contribute to this Initiative as we did in other states without
17 having to disclose." Mr. Connerly further stated that he was aware that RPI was required to disclose
18 contributions of \$100 or more, and that RPI had done so.

19 5. Additionally, during the June 17, 2003 interview, I asked Mr. Connerly if he would
20 disclose the names of the individuals who contributed to ACRC in relation to its contributions to the
21 Racial Privacy Initiative Committee in California. Mr. Connerly stated that he would "absolutely not"
22 disclose the names of the contributors, as he had represented to the contributors that their names and
23 personal information would not be disclosed.

24 6. During the June 17, 2003 interview of Ward Connerly, Mr. Connerly stated, in support of
25 his statements regarding his unwillingness to disclose the contributors to ACRC, that, "... one very large
26 donor... said 'I've heard about this Racial Privacy Initiative, I don't want my money going into it.'"

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1 7. As part of my investigation of FPPC Case No. 02/522, I examined the official website
2 page for ACRC and found a “link” to the “RPI Campaign.” The RPI Campaign link on the ACRC
3 website brought the website user to a webpage that included information regarding the qualification of
4 the Racial Privacy Initiative, and that webpage contained a link to a contribution/support form for the
5 Racial Privacy Initiative. Additionally, the RPI Campaign webpage that was linked to the ACRC
6 official website included a partial list of persons endorsing the initiative. A true and complete copy of
7 the portion of the webpage containing the qualification information and the partial list of its
8 endorsements, as it existed on July 23, 2002, is attached hereto and incorporated by reference herein as
9 Exhibit A. The link to the contribution/support form found on the RPI Campaign link webpage
10 produced a “Support/Endorsement Form” for the Racial Privacy Initiative. This form bears the
11 American Civil Rights Coalition logo on it. Additionally, this support/endorsement form lists the ACRC
12 website as the contact website for the Racial Privacy Initiative under the “Contact Us” section. A true
13 and complete copy of the “Support/Endorsement Form” is attached hereto and incorporated by reference
14 herein as Exhibit B.

15 8. During the June 17, 2003 interview of Mr. Connerly, I asked Mr. Connerly if the persons
16 listed under “Endorsements” on the ACRC website were also donors to ACRC. Mr. Connerly
17 responded that he was sure some of the endorsers made contributions to ACRC, but he was not certain
18 who and how much had been contributed. Specifically, Mr. Connerly stated, regarding whether any
19 endorsers had made contributions, “I am sure they did. Which ones and how much, I don’t know that
20 information.”

21 9. As part of my investigation of FPPC Case No. 02/522, I have obtained, from the Attorney
22 General’s Office, certified copies of the 1998, 1999, 2000 and 2001 tax returns for ACRC. A true and
23 complete copy of the 2001 tax return, for the period July 1, 2001 through June 30, 2002, is attached to
24 the Request for Judicial Notice, filed herewith. The tax return discloses contributions for “Ballot
25 Initiative Funding”, in the form of loans, of \$250,000 from Joseph Coors and \$190,000 from John
26 Uhlmann. Joseph Coors is also listed on the ACRC website as an endorser of the Initiative.

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1 I declare under penalty of perjury under the laws of the State of California, that the foregoing is
2 true and correct. Executed on _____ at Sacramento, California.

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5 Sue Straine
6 Supervising Investigator
7 Fair Political Practices Commission
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